

in the same DMA in addition to national programming services, and

Whereas, this concentration in the corporate ownership of commercial broadcast media, both locally and nationally, has severely limited the diversity of perspectives offered on important issues, and also has resulted in a significant reduction in local radio news coverage, and

Whereas, in an unusual, but nevertheless poignant, impact of concentrated media ownership in a single community, public safety officials in Minot, North Dakota, where all six commercial radio stations are owned now by the same national chain, were unable to reach anyone at the designated emergency radio station when a train derailment resulted in anhydrous ammonia fertilizer being released over the city, and

Whereas, until now, the existing prohibition on daily newspapers owning an AM, FM, or television station whose primary signal serves "the entire community in which such newspaper is published," 47 C.F.R. §73.3555(d), has remained in place, and

Whereas, under §212(h) of the Telecommunications Act of 1996, P.L. No. 104-104 as amended, the FCC is directed to review biennially all of the broadcast media ownership rules, and

Whereas, there are strong indications the commission's current review will result in the further relaxation of the existing ownership rules, possibly allowing newspapers to purchase radio or television stations in their publication communities, and

Whereas, FCC Chair, Michael Powell, has announced the newly revised ownership rules will be released in final form on June 2 without an opportunity for public or congressional comment, and

Whereas, a bipartisan group of U.S. Senators, Olympia Snowe, Republican of Maine, Byron Dorgan, Democrat of North Dakota, Ernest Hollings, Democrat of South Carolina, and Trent Lott, Republican of Mississippi, has written to Chairman Powell requesting that Congress and the public be afforded an opportunity to review any proposed changes before they take effect, and

Whereas, both the potential substantive changes in the media ownership rules and the lack of a public comment period are greatly disturbing, now therefore be it

*Resolved by the Senate and House of Representatives:* That the General Assembly strongly urges the Federal Communications Commission to refrain from relaxing further the restrictions on broadcast media outlet ownership, and be it further

*Resolved:* That the General Assembly urges the Federal Communications Commission to provide for a public comment period prior to the adoption of any changes to the broadcast media ownership rules, and be it further

*Resolved:* That the Secretary of State be directed to send a copy of this resolution to Michael Powell, Chair of the Federal Communications Commission, and to each member of the Vermont Congressional Delegation.

#### LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in Fresno, CA. On

September 20, 1998, the apartment of transgender female Chanel Chandler was set ablaze. Inside the apartment the authorities discovered Chandler's body, stabbed repeatedly with a broken beer bottle. According to a police spokesperson, Chandler's gender identity and expression was a primary motivation for the attack. The fire, which did not reach the room where Chandler's body was found, was likely a failed attempt to hide Chandler's murder.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

#### OP-ED BY SENATOR GEORGE MCGOVERN

Mr. LEAHY. Mr. President, the delineation between an "internationalist" and "isolationist" has too often been drawn at the doctrine of preemption. Those who supported the war in Iraq are considered "internationalists" while those who did not, are shunted as "isolationists." This classification is unprecedented in the more than two centuries of American foreign policy. Opposition to an unprovoked invasion is not isolationism. And internationalism is more than merely waging war.

On May 12, the Washington Post published an op-ed by my friend and our former colleague, Senator George McGovern. As he has done many times in the past, Senator McGovern has provided important and timely insights on U.S. foreign policy.

The debate over U.S. policy towards Iraq over the past several months has been littered with references to "internationalists" and "isolationists." Senator McGovern has penned some important reflections about how these labels have been used in previous foreign policy debates.

I ask unanimous consent that a copy of the op-ed by Senator McGovern in the Washington Post on May 12, be printed in the RECORD so that all Senators and staff have an opportunity to review his comments.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The Washington Post, May 12, 2003]

A MORE CONSTRUCTIVE INTERNATIONALISM

(By George S. McGovern)

In his May 1 op-ed piece, Will Marshall praised presidential candidates Dick Gephardt, Joe Lieberman, John Kerry and John Edwards as "Blair Democrats"—internationalists who are willing "to use force in the national interest." He rejoiced that the Democratic Party "is moving away from McGovernism and back to its international roots."

One wonders why Marshall went to Britain for an example of how American Democrats ought to behave. It is more puzzling why he concluded that I'm opposed to internationalism and the "use of force in the national

interest." I first used force in the national interest during World War II, when I flew 35 combat missions in Europe.

American involvement in that war was clearly in our national interest, and that is why I volunteered at the age of 19 to be part of it.

It is true that I opposed the American war in Vietnam, but not because I had ceased to be an internationalist. That war was a disastrous folly, as all literate people now acknowledge. We were never more isolated from the international community than when our troops were deepest in the Vietnam jungle. A close second in isolating us from the international community was the invasion of Iraq, a largely defenseless little desert state that posed no threat to us and had taken no action against us.

The best way to support our troops is to keep them out of needless wars such as Iraq and Vietnam. The best way for America to play a constructive role internationally is to support the United Nations and to work toward expanding international trade, aid and investment while protecting our workers and the environment. An internationalist would also support the Kyoto Protocol on global warming, the International Criminal Court, the Anti-Ballistic Missile Treaty and an international ban on land mines.

An internationalist also would support the International Food for Peace Program, which I directed during the Kennedy administration, as well as the efforts I carried forward to reduce global hunger during my service as a Clinton administration ambassador to the U.N. Food and Agriculture agencies in Rome. Former senator Bob Dole and I have teamed up to press for an international school lunch program that would reach 300 million elementary school children who are not being fed.

I am opposed to the Bush doctrine of "preemptive war"—what heretofore has been known as aggression or invasion. I am also opposed to congressional resolutions that give the president a blank check to go to war when he pleases.

I have always thought America to be the greatest country on earth. One of the reasons I think so is because of our great founding fathers, including Thomas Jefferson, who spoke of "a decent respect to the opinions of mankind." Is there any doubt that the opinion of mankind was overwhelmingly against our wars in Vietnam and Iraq?

We don't measure a nation's internationalism by the number of troops it sends to other countries. But that test, Adolf Hitler would be the greatest internationalist of the 20th century. I might add for Marshall's edification that I would not have won the Democratic presidential nomination in 1972—winning 11 primaries, including two largest states, New York and California—if I had been perceived as an isolationist. I also believe that if the disgraceful conduct of President Richard Nixon during that campaign had been known before the election, I would have been elected. If so, I would have led as an internationalist unafraid to use force in the national interest.

The writer was a Democratic senator from South Dakota from 1963 to 1981 and his party's presidential nominee in 1972.

#### SUPPORT FOR DURBIN AMENDMENT TO S. 3

Ms. MIKULSKI. On March 12, 2003, during the debate on S. 3, the Partial Birth Abortion Ban Act, I made the following statement in support of the Durbin amendment:

Mr. President, I rise to express my strong support for the Durbin amendment.

I support the Durbin amendment because it is consistent with my four principles. These are my principles: It respects the constitutional underpinnings of *Roe v. Wade*. It prohibits all post-viability abortions, regardless of the procedure used. It provides an exception for the life and health of a woman, which is both intellectually rigorous and compassionate. And it leaves medical decisions in the hands of physicians—not politicians.

The Durbin alternative addresses this difficult issue with the intellectual rigor and seriousness of purpose it deserves. We are not being casual. We are not angling for political advantage. We are not looking for cover.

The Durbin amendment offers the Senate a sensible alternative, one that would prohibit post-viability abortions while respecting the Constitution and protecting women's lives. I believe it is an alternative that reflects the views of the American people.

I support the Durbin amendment because it is a stronger, more effective approach to banning late term abortions. The Durbin amendment respects the Constitution and the Supreme Court's ruling in *Roe v. Wade*.

The Santorum bill before us does not. It is unconstitutional.

In fact, the Supreme Court ruled in *Stenberg v. Carhart* just 3 years ago that a Nebraska State law that bans certain abortion procedures is unconstitutional. The Supreme Court ruled it was unconstitutional for two reasons. First, it did not include an exception for a woman's health. Second, it does not clearly define the procedure it aims to prohibit and would ban other procedures, sometimes used early in pregnancy.

The bill before us, the Santorum bill, is nearly identical to the Nebraska law the Supreme Court struck down. The proponents of this legislation say they have made changes to the bill to address the Supreme Court's ruling. They have not. It still does not include an exception to protect the health of the woman. It still does not clearly define the procedure it claims to prohibit. Let me be clear about this. The Santorum bill is unconstitutional.

The Santorum bill violates the key principles of *Roe v. Wade* and other Court decisions. When the Court decided *Roe*, it was faced with the task of defining, "When does life begin?" Theologians and scientists differ on this. People of good will and good conscience differ on this.

So the Supreme Court used viability as its standard. Once a fetus is viable it is presumed to have not only a body, but a mind and spirit. Therefore it has standing under the law as a person.

The *Roe* decision is quite clear. States can prohibit abortion after viability so long as they permit exceptions in cases involving the woman's life or health. Under *Roe*, states can prohibit most late term abortions. And 41 states have done so.

In my own state of Maryland, we have a law that does just that. It was adopted by the Maryland General Assembly. It prohibits post viability abortions. It provides an exception to protect the life or health of the woman, as the Constitution requires. It also provides an exception if the fetus is affected by a genetic defect or a serious abnormality. This law reflects the views of Marylanders. It was approved by the people of Maryland by referendum.

Like the Maryland law, the Durbin alternative is consistent with *Roe*. It is a compassionate, Constitutional approach to prohibiting late term abortions.

It says that after the point of viability no woman should be able to abort a viable fetus. The only exception can be when the woman faces a threat to her life or serious and de-

bilitating risk to her health as required by the Constitution.

The Durbin amendment is stronger than the Santorum bill. It bans all post viability abortions. Unlike the Santorum bill, the Durbin amendment doesn't create loopholes by allowing other procedures to be used.

I believe there is no Senator who thinks a woman should abort a viable fetus for a frivolous, non-medical reason. It does not matter what procedure is used. It is wrong, and we know it. The Durbin alternative bans those abortions. It is a real solution.

On the other hand, Senator SANTORUM's bill does not stop a single abortion. It does not ban all late term abortions. It bans certain procedures and diverts doctors to other procedures. This approach is both hollow and ineffective. It bans procedures that may be the safest for a woman's health. But let me be clear. Under Santorum, late term abortions would still be allowed to happen.

It does not make late term abortions more rare. It makes them more dangerous. And for that reason, the Santorum approach is ineffective.

The Durbin amendment provides a tough and narrow health exception that is both intellectually rigorous and compassionate. It will ensure that women who confront a grave health crisis late in a pregnancy can receive the treatment they need. The Durbin amendment defines such a crisis as a "severely debilitating disease or impairment caused or exacerbated by pregnancy" or "an inability to provide necessary treatment to a life-threatening condition."

And we don't leave it up to her doctor alone. We require that a second, independent physician also certify that the procedure is the most appropriate for the unique circumstances of the woman's life.

I want to be very clear in this. The Durbin amendment does not create a loophole with its health exception. We are not loophole shopping when we insist that an exception be made in the case of serious and debilitating threats to a woman's physical health. This is what the Constitution requires—and the reality of women's lives demands.

Let's face it. Women do sometimes face profound medical crises during pregnancy. Breast cancer, for example, occurs in one in 3,000 pregnancies. In some unfortunate circumstances, pregnant women in their second trimester discover lumps in their breasts and are diagnosed with invasive breast cancer. Continuing the pregnancy—and delaying medical treatment—would put a woman's health in grave danger.

The Durbin amendment recognizes that to deny a woman in a situation like this access to the abortion that could save her life and physical health would be unconscionable. To deny her other children a chance to know a healthy mother would be unconscionable.

When the continuation of the pregnancy is causing profound health problems, a woman's doctor must have every tool available to respond. I readily acknowledge that the procedure described by my colleagues on the other side is a grim one. I do not deny that. But there are times when the realities of women's lives and health dictates that this medical tool be available.

I support the Durbin alternative because it leaves medical decisions up to doctors, not legislators. It relies on medical judgement, not political judgement about what is best for a patient.

Not only does the Santorum bill not let doctors be doctors, it criminalizes them for making the best choice for their patients.

Under this bill, a doctor could be sent to prison for up to two years for doing what he or she thinks is necessary to save a woman's life or health. I say that's wrong.

In fact, those who oppose the Durbin amendment say it is flawed precisely be-

cause it leaves medical judgements up to physicians. Well, who else should decide? Would the other side prefer to have the government make medical decisions?

I disagree with that. I believe we should not substitute political judgement for medical judgement. We need to let doctors be doctors. This is my principle whether we are talking about reproductive choice or any health care matter.

Physicians have the training and expertise to make medical decisions. They are in the best position to recommend what is necessary or appropriate for their patients. Not bureaucrats. Not managed care accountants. And certainly not legislators.

The Durbin amendment provides sound public policy, not a political soundbite. It is our best chance to address the concerns many of us have about late term abortions.

Today we have an opportunity today to do something real. We have an opportunity to let logic and common sense win the day. We have an opportunity to do something that I know reflects the views of the American people. Today, we can pass the Durbin amendment.

We can say that we value life, and that we value our Constitution. We can make clear that a viable fetus should not be aborted. We can say that we want to save women's lives and protect women's health.

The only way to do this is to vote for the Durbin amendment. I urge my colleagues to support it.

#### WYNONA WARD OF "HAVE JUSTICE—WILL TRAVEL"

Mr. LEAHY. Mr. President, I rise today to speak about a truly remarkable Vermonter who delivers "justice on wheels" to victims of domestic abuse.

Wynona Ward is the founder and director of Have Justice—Will Travel, HJWT, an innovative, mobile, multi-service program that assists rural victims of domestic violence through the legal process. She accomplishes this by combining her present profession as an attorney with her experiences as a truck driver to provide a variety of services—including free legal aid, in-home counseling, and transportation to and from court hearings and other social service appointments to rural families trapped in the generational cycle of abuse.

Based on her pioneering and inspirational work on behalf of domestic violence victims and their families, Wynona has been selected by Lifetime Television to be honored in "Lifetime's Achievement Awards: Women Changing the World," which will air tonight. An independent panel of judges reviewed thousands of nominations before selecting six women for the honor. Wynona received the "Champion Award," presented to a woman who overcame "seemingly insurmountable odds to create a positive change for herself or others."

Wynona was born into a poor family where alcoholism and abuse was routine—her father beat her mother and his 5 children, and sexually assaulted his daughters. Family violence was an accepted way of life then in rural Vermont. Local doctors treated the black-and-blues and other injuries that